

1 TOWNSEND AND TOWNSEND AND CREW LLP
Daniel J. Furniss (State Bar No. 73531)
2 Stephen Y. Pang (State Bar No. 168706)
Gregory S. Bishop (State Bar No. 184680)
3 379 Lytton Avenue
Palo Alto, California 94301
4 Telephone: (650) 326-2400

5 Attorneys for Plaintiff
BUSINESS OBJECTS, S.A.
6
7
8

**ORIGINAL
FILED**

OCT 17 2001

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

11
12 BUSINESS OBJECTS, S.A.,

13 Plaintiff,

14 v.

15 MICROSTRATEGY, INC.

16 Defendant.
17
18

C 01 3908
Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY DEMAND

19 **JURISDICTION AND VENUE**

20 1. This is a civil action for patent infringement arising under the patent laws of the United
21 States, 35 U.S.C. §1 et seq. Subject matter jurisdiction is proper under 28 U.S.C. § 1331 and 28
22 U.S.C. § 1338. Venue is proper under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

23 **PARTIES**

24 2. Plaintiff Business Objects, S.A. is organized under the laws of the Republic of France
25 with its principal place of business in Levallois-Perret, France. Business Objects, S.A. is the owner of
26 certain patent rights relating to a relational database access system and method that provides a new
27 data representation and a query technique which allows information system end users to access
28 (query) relational databases without knowing the relational structure or the structured query language

1 (SQL).

2 3. Defendant MicroStrategy, Inc. is a Delaware corporation with its principal place of
3 business in McLean, Virginia.

4
5 **COUNT I**

6 **INFRINGEMENT OF U.S. PATENT NO. 5,555,403**

7 5. On September 10, 1996, United States Patent No. 5,555,403 ("403 Patent"), entitled
8 "Relational Database Access System Using Semantically Dynamic Objects," was duly and legally
9 issued to Plaintiff. A true and correct copy of the '403 Patent is attached hereto as Exhibit A.

10 6. Defendant directly infringe, has contributed to the infringement of, and induces
11 infringement by others of, the '403 Patent by making, using, offering to sell, and selling products
12 known as "MicroStrategy Version 7.0" which fall within the scope of one or more of the claims of the
13 '403 Patent.

14 7. Defendant's infringement of the '403 Patent has caused, and continues to cause,
15 damage to Plaintiff in an amount to be proven at trial.

16 8. Plaintiff is informed and believes that Defendants have been placed on notice that they
17 infringe the '403 Patent, yet Defendant continues to infringe said patent.

18 9. On information and belief, Defendant's infringement of the '403 Patent has been
19 willful, deliberate and in conscious disregard of Plaintiff's rights, making this an exceptional case
20 within the meaning of 35 U.S.C. §§ 284 and 285.

21 10. On information and belief, Defendant will continue to infringe the '403 Patent causing
22 immediate and irreparable harm to Plaintiff unless this Court enjoins and restrains its activities.

23 WHEREFORE, Plaintiff prays that:

24 A. This Court adjudge that the '403 Patent is valid and enforceable;

25 B. Defendant be adjudicated and deemed to have infringed the '403 Patent;

26 C. A preliminary and permanent injunction be issued enjoining Defendant and its officers,
27 agents, servants, employees, and attorneys, and those acting in privity or concert with them, from
28 further infringing, contributing to, or inducing infringement of, the '403 Patent;

1 D. Plaintiff be awarded full compensatory damages by reason of Defendant's infringement
2 as herein set forth, together with prejudgment and post-judgment interest, and that said damages be
3 trebled based on Defendant's willful infringement pursuant to 35 U.S.C. § 285;

4 E. Plaintiff be awarded its costs and attorneys' fees pursuant to 35 U.S.C. § 285; and

5 F. This Court grant such other and further relief as may be just and proper under the
6 circumstances.

7
8 DATED: October 16, 2001

Respectfully submitted,

9 TOWNSEND AND TOWNSEND AND CREW LLP

10
11 By: 

Daniel J. Furniss
Stephen Y. Pang
Gregory S. Bishop
Attorneys for Plaintiff
BUSINESS OBJECTS, S.A.

12
13
14
15
16 **DEMAND FOR JURY TRIAL**

17 Plaintiff demands a trial by jury on all the issues raised in this action.

18 DATED: October 16, 2001

Respectfully submitted,

19 TOWNSEND AND TOWNSEND AND CREW LLP

20
21 By: 

Daniel J. Furniss
Stephen Y. Pang
Gregory S. Bishop
Attorneys for Plaintiff
BUSINESS OBJECTS, S.A.

22
23
24
25 PA 3176848 v1